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WASHINGTON, D.C. 20231  
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Geoffrey L. McCabe  
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Hollywood, CA 90068

In re Application of	:	
McCABE	:	
Application No.: 09/830,279	:	DECISION ON
PCT No.: PCT/US98/20376	:	
Int. Filing Date: 29 September 1998	:	PETITION UNDER
Priority Date: None	:	
Attorney Docket No.: None	:	37 CFR 1.137(b)
For: TUNING APPARATUS FOR STRINGED	:	
INSTRUMENT	:	

This decision is in response to the "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)" submitted by applicant on 23 April 2001.

### **BACKGROUND**

On 29 September 1998, applicant filed international application PCT/US98/20376. A copy of the international application was communicated to the United States Patent and Trademark Office (USPTO) from the International Bureau on 06 April 2000. A Demand for international preliminary examination, in which the United States was elected, was filed on 27 April 2000, which was within nineteen months from the priority date. Accordingly, the thirty-month period for paying the basic national fee in the United States expired at midnight on 29 March 2001.

On 23 April 2001, applicant filed a submission for entry into the national stage in the United States which was accompanied by, *inter alia*, the U.S. Basic National Fee, an assertion of small entity status, and a declaration of the inventor.

On 02 April 2001, applicant also filed the instant "PETITION FOR REVIVAL OF AN INTERNATIONAL APPLICATION FOR PATENT DESIGNATING THE U.S. ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)".

### **DISCUSSION**

A petition to revive the present application under 37 CFR 1.137(b) must include:  
(1) The required reply;

- (2) The petition fee;
- (3) A statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition was unintentional.

As to item (1), applicant submitted the basic national fee for a small entity on 23 April 2001.

As to item (2), applicant submitted the petition fee of \$620.00 for a small entity on 23 April 2001.

With regard to item (3), petitioner has provided the required statement.

A review of the application file reveals that, with the filing of the present petition and accompanying papers, a proper response has been submitted and all of the requirements of 37 CFR 1.137(b) for revival have been satisfied and revival is therefore appropriate.

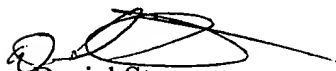
The declaration filed 23 April 2001 complies with 37 CFR 1.497(a)-(b). However, the surcharge under 37 CFR 1.492(e) for providing the oath or declaration later than thirty months from the priority date has not been paid.

### CONCLUSION

The petition under 37 CFR 1.137(b) is **GRANTED** for the reasons set forth above.

Please direct any further correspondence with respect to this matter to the Commissioner of Patents and Trademarks, Box PCT, Washington, D.C. 20231, and address the contents of the letter to the attention of the Office of PCT Legal Administration.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of the application including preparing and mailing a NOTIFICATION OF MISSING REQUIREMENTS (Form PCT/DO/EO/905) requiring the surcharge under 37 CFR 1.492(e) for submitting the declaration later than thirty months from the priority date.



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